

# **EXHIBIT 1**

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States Courts  
Southern District of Texas  
FILED

JUL 21 2012

David J. Bradley, Clerk of Court

United States of America

v.

Jason Daniel Gandy

Case No.

H12-634m

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/21/2012 in the county of Harris in the Southern District of Texas, the defendant violated Title 24 (8) U. S. C. § 2423(a)

, an offense described as follows:

7/25/12  
did knowingly transport any individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory, or possession of the United States, with intent that the individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.

This criminal complaint is based on these facts:

See attached Affidavit in Support of Criminal Complaint.

☒ Continued on the attached sheet.

Complainant's signature

Juanae Johnson, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/21/2012

Judge's signature

City and state: Houston, Texas

George C. Hanks, JR. U. S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Juanae J. Johnson, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) assigned to the Houston, Texas office. I have been so employed since August of 2004. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A, as well as Title 18 U.S.C. § 2423(a), Transportation with intent to engage in criminal sexual activity. I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants many of which involved child exploitation and/or child pornography offenses. This Affidavit is made in support of a criminal complaint charging Jason GANDY with violations of Title 18 U.S.C. § 2423(a) which makes it a crime for any person to knowingly transport any individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory, or possession of the United States, with intent that the individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense.
2. I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on my conversations with other law

enforcement officers who have engaged in numerous investigations involving child sexual exploitation.

3. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18 U.S.C. § 2423(a), et seq, have been committed by Jason GANDY on or about July 18, 2012.
4. On July 19, 2012, GANDY arrived in the United Kingdom, specifically, Heathrow International Airport, on United Airlines Flight 35 from Houston, Texas. GANDY was traveling with a 15 year old male subject, later identified as KV (minor victim), who was not related to GANDY.
5. Upon his arrival to the United Kingdom (UK), and during the course of a regular Immigration inspection by the United Kingdom Immigration (UKI), GANDY was selected for secondary inspection. GANDY gave conflicting information regarding his reason for wanting to enter the UK and why he was traveling with a minor child, as well as his relationship with that child. UKI officials were able to contact KV's mother, who stated that KV had permission to travel with GANDY, but gave a conflicting reason as to the purpose of the trip. Based upon interviews with GANDY, KV and KV's mother, UKI officials denied GANDY and KV entry into the United Kingdom and made arrangements for them to immediately return to the United States via United Airlines, but on separate flights.
6. On or about, July 20, 2012, at approximately 1:35 pm (CDT), GANDY arrived at

Bush Intercontinental Airport in Houston, Texas, on United Airlines Flight 35.

Bush Intercontinental Airport is in Houston, Harris County, Texas and within the Southern District of Texas. Upon disembarking the plane, GANDY was escorted by U.S. Customs and Border Protection (CBP) officers to the secondary inspection area. During secondary inspection, GANDY made a binding declaration to the CBP officers that the luggage and other items he was carrying were his.

7. Houston Police Department Detective Joseph Roscoe and I met with GANDY and questioned him as to the purpose of his trip to the United Kingdom and his travel with KV. GANDY was advised that he was not under arrest yet I provided him Miranda Rights and he chose to speak with the agents regarding his travels to the UK with KV. The interview took place in the baggage search area in CBP secondary inspection area.
8. GANDY stated that he and KV had met through a mutual "friend" on the social networking website "Facebook". GANDY knew KV was only 15 years of age, at that time GANDY did not inform KV of his age.
9. Gandy told agents that he first met KV, in person, when he took him to the mall to celebrate his 15<sup>th</sup> birthday. GANDY told agents he took him to a concert, and informed agents that he and KV began to develop a friendship. GANDY admitted to lavishing KV with gifts in person and via the mail. Gandy told agent that he liked buying KV nice things, because KV's family was unable to.

10. Gandy informed the agents that he is a licensed massage therapist and he buys and sells real estate for a living. GANDY told agents that he owned and operated a massage shop, JasonRMT.com.

11. GANDY informed the agents that KV spends the night at least once a week.

Agents later established KV is with GANDY almost every weekend. During that time, GANDY massages him every night. During KV's interview; KV informed agents that during at least one of these massages GANDY has masturbated KV.

12. GANDY told the agents that after every massage, GANDY masturbates in KV's presence. On several occasions GANDY and KV have masturbated in the presence of one another.

13. GANDY told agents that he has taken a picture of KV in the nude from behind without his permission, and put it on his laptop. KV stated that GANDY has taken other photos of his backside jokingly however, he is not sure where those photos are.

14. In an interview with KV, KV confirmed that GANDY runs a massage business which he operates in his home and relayed the following information: KV began assisting GANDY in the massages in early May and has done so up until the present. GANDY makes KV massage his clients completely nude and allows the clients to fondle KV. KV was uncomfortable with massaging in the nude and allowing the clients to touch him in the beginning. GANDY told KV that in order for them to continue to hang out and make money he has to allow the clients to touch him. During the massages KV would be requested to masturbate the adult male client's and he has made between \$400.00 and \$500.00 dollars during the

time that he has assisted GANDY. KV has been told to massage certain clients alone on at least one occasion. According to KV the client would enter the RV where KV was staying and tell KV "I am here for you" and KV would massage the client alone in the nude and masturbate the client. The client would pay GANDY between \$80.00 and \$120.00 for a single (\$80.00) or a four hand massage (\$120.00) where both KV and GANDY would massage the client. Upon completion of the massage the client would pay GANDY, and then GANDY would pay KV between \$20.00 and \$40.00. KV went on to say that GANDY has a large clientele and GANDY is busy most of the time.

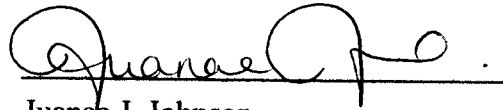
15. GANDY stated that he and KV began discussing taking a trip to England in the near future. GANDY purchased both plane tickets (approximately \$2150.00) and gave KV money to purchase an expedited passport (approximately \$200.00). GANDY received a signed and notarized affidavit form from KV's mother to travel with GANDY and remain in the UK in GANDY's custody from July 18, 2012 until August, 22, 2012. GANDY had not reserved any accommodations in the UK and was intending on finding a place to stay once they landed in the UK.
16. During the secondary search of GANDY's personal belongings, CBP officers discovered approximately 90 condoms. When agents questioned GANDY about the condoms he told agents that he utilized the condoms for the massaging his clients prostates, and he had some "hope" of possibly using a couple with KV once in London.
17. KV informed the interviewers that GANDY was intending on starting a massage company in London similar to what he ran in the Houston area, however he was

unaware of the laws in the UK referring to the types of massages he would be allowed to do. KV also stated that on July 18<sup>th</sup>, 2012, while they were waiting to board their flight to the UK, GANDY informed KV that he had two clients awaiting them in the UK. They were set to meet him between July 22<sup>nd</sup> and July 24<sup>th</sup>, 2012. KV was unaware if they were requesting KV to assist in the massages or not.

18. According to the UK's Sexual Offense Act of 2003, it is a violation to have sexual activity with a child if the person aged 18 or over intentionally touches the child and the touching is sexual, and the person aged 18 or over does not reasonably believe that child is 16 or over.
20. KV was promised by GANDY that once in London he would possibly be able to go view parts of the Olympics, to his favorite clothing store and go see his favorite bands. KV was under the impression that he would be required to perform some massages while he was in the UK but he was most excited about the shopping, the Olympics and seeing his favorite bands.

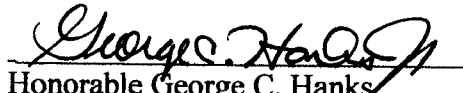


21. Based on the information delineated above, I respectfully request that the Court find probable cause and issue a Criminal Complaint charging Jason GANDY with violations of Title 18 U.S.C. § 2423(a).



Juanae J. Johnson  
Special Agent, HSI

Sworn to before me on July 21, 2012, at 6:45 p.m. CDT in Houston, TX and I find probable cause.



Honorable George C. Hanks  
United States Magistrate Judge